

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: St Paul District
 FILE NUMBER: 05-175-DJP

REGULATORY PROJECT MANAGER: Dale J. Pfeifle Date: February 17, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: February 17, 2005
 At the project site (Y/N) Date:

PROJECT LOCATION INFORMATION:

State: Wisconsin
 County: Waukesha
 Center coordinates of site by latitude & longitudinal coordinates: 43.10796692672N, 88.14075592023W
 Approximate size of site/property (including uplands & in acres): 2
 Name of waterway or watershed: Upper Fox, Illinois, Wisconsin

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): A request was received to re-evaluate the delineated boundaries of a wetland previously identified at a proposed development site. The subject wetland is a depressional area located within an agricultural cropped field.

A review of the information provided and the available aerial photography failed to show a surface water connection between the subject wetland and a water of the US. The subject wetland is not located in the proximity of a water of the US and is not an adjacent water. No link between the subject wetland and interstate commerce could be identified.